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NATIONAL REGISTRATION ENACTMENT, 1949.

No. 3 of 1949.

C.O. 943/1/14

Previous

Mr M Scott H546 5/7

H531. PUT BY

Subsequent

M. 531

3/10

① Legal library

4/10

② Mr. Ashton.

27/10

Mr. Rushford (H)

28.10

Mr Ashton

11/11

Mr. Rushford

11.11

Mr Ashton

11/11

H.531.

17/11

C.D. 31

18/11

H03

24/11

PL 3Y H531

6/12

H02

7/12

H.531. PUT BY

24/6

Sir G. Whitelaw

24/6

H531

29/6

FILE A

51402/780 6,000 11/47 N.M.I.Ltd.

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Mr. Rushford.

e.g. sec. 2
sec. 23.

Art (1) is a Brunei enactment which appears to be practically identical with the Sarawak ordinance on 58560/40/49 behind (copy attached), except in such small points as the titles of officers and the method of publicising rules and orders. The Sarawak ordinance was fully examined in draft by ~~the~~ Mr. McElvaine on 58597/49, which is now circulating on other business.

2. It is unfortunate that no legal report has been sent with this Brunei enactment. The reason is no doubt that the Attorney-General, Sarawak, (who also serves Brunei) is still single-handed and very hard-pressed, as we have only just been able to recruit an Assistant, who will even now not arrive in the Colony until next spring. However we have recently had correspondence with Sarawak on the question of sending legal reports with bills and ordinances and I expect that their practice in that Colony will improve

improve as soon as the Attorney-General receives qualified assistance.

3

3. Pl. have you any legal observations on (1)?

K.P. Johnston
27/10.

1) S. 15(i), which prescribes certain offences under the Enactment, makes no mention of the following :-

If any person,
with intent to deceive.

(i) makes a false representation that he or any other person is the person to whom an identity card relates;

(ii) allows another person to have possession of an identity card for the custody of which he is responsible under the Enactment; or

(iii) forges an identity card, or makes or has in his possession any document so closely resembling an identity card as to be calculated to deceive
he shall be guilty of an offence.

(Cf. National Registration Act, 1939)

(1) above is partly covered by 15(i)(d)

2) 15(i)(j) is perhaps rather wide. The D.K. Act says:-

If any person

(i) being a person employed for the purposes of this Act, publishes or communicates to any person, ^{other than} in the ordinary course of such employment, any information acquired by him in the course of the employment; or

(ii) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person;
he shall be guilty of an offence.

You may think this version is better.

3) The Enactment as a whole is satisfactory in form, and I do not think an amending Enactment need be asked for. It is possible that forgery of an identity card is already covered by section 463 or 466 of the Penal Code, and therefore no further provision was considered necessary.

4) I cannot help regretting that the Brunei and Sarawak Governments should have decided to impose the tedious formalities of identity cards upon their peoples, and wonder if this kind of thing is really necessary. I should have thought we should discourage it [~~the~~ ~~sort of~~ ~~thing~~], unless a really good reason is put forward for the imposition, and no workable alternative is found. However you will no doubt have gone into this.

A. Redfern Rushford

28.10.

Mr. Rushford.

The file 58547/49 has now come out of circulation and is attached. From (6) thereon you will see that we commented on the section 15 of the draft Bill and, from the legal report with (1) on 58560/40/49

State officers in Far East unfortunately makes a security measure of this kind necessary.

(also behind), that our suggestions were
adopted in the Sarawak ordinance 5
and hence in the Brunei enactments.

In view of this fact and of
the fact that you are satisfied
that we need not ask for an
amending enactment (para. 3 of your
min. above) I suggest that, subject
to your views, we need not comment
again on section 15 to the High
Commissioner for Brunei or C.A.G.
Sarawak (who are one and the same
person) and ~~we~~ can reply to (1) —
'no observations.'

K.P. Ashton
11/11.

In view of the comments made in (6)
of 58597 of 1949, I agree that we
need make no further comment on s. 15.

A. Redfern Rushford.

11/11.

Please reply to (1) — 'no observations.'

Then put by.

K.P. Ashton
11/11.

2 to Brunei-Sarig No. 88- (1) answered.

24 NOV 1949

Library Legal
to note
noted in 4/12.
R.B.

✓

3

BRUNEI SAV 55 — 13. 6. 50.
(ORIG 59709/21/1949).
LEGAL REPORT ONLY.

B

Put by.
M Scott.
5/7

PAS/OBH. REF: 13/HCO/110.

SAVING.

From the High Commissioner for Brunei.

To the Secretary of State for the Colonies.

Date 13th June, 1950.

No. 55 Saving.

----- I enclose Legal Reports by the Legal Adviser
on the following Brunei Enactments:-

~~Forest (Amendment) Enactment, No. 2 of 1949.
National Registration Enactment, No. 3 of 1949.
Aliens Registration (Amendment) Enactment, No. 4
of 1949.
Immigration (Amendment) Enactment, No. 5 of 1949.
Police Force Enactment, No. 6 of 1949.
Societies (Amendment) Enactment, No. 7 of 1949.
Diplomatic Privileges (Extension) Enactment, No.
8 of 1949.
Registration of Criminals Enactment, No. 9 of
1949.
Moratorium Proclamation (Repeal) Enactment, No.
10 of 1949.
Limitation (Special Provisions) Enactment, No. 11
of 1949.
Debtor and Creditor (Occupation Period) Enactment,
No. 12 of 1949.
Income Tax Enactment, No. 13 of 1949.
Motor Vehicles Insurance (Third Party Risks) En-
actment, No. 1 of 1950.~~

2. Copies of Enactment No. 1 of 1949 were
forwarded under my savingram No. 25 of 16th March,
1949, Enactment No. 2 of 1949 under my savingram
No. 56 of 25th June, 1949, and of Enactment No. 3 of
1949, under my savingram No. 82 of 14th September,
1949.

----- 3. I now enclose 10 copies of each of the re-
maining Enactments.

4. There is a printer's error in the penulti-
mate line of Enactment No. 5 of 1949. The word "as"
should read "was".

STATE OF BRUNEI

National Registration Enactment, 1949.

(Enactment No.3 of 1949)

Legal Report.

This Enactment is similar to the Sarawak National Registration Ordinance, 1949 (Ordinance No.2/49) except that -

(a) formal amendments have been made, such as deleting all references to Headman and Native Officers, and substituting "State" for "Colony" and "Sultan in Council" or "Resident" for "Governor in Council" or "Governor";

(b) the wording of section 17 has been altered, as the Registrar of Criminals, Sarawak, acts as the Registrar for Brunei; and

(c) the wording of section 23 has been altered, as there is no gazette at present in Brunei.
(Provision is about to be made for the publication of a Brunei Government Gazette).

A. F. Pratten Bell

Legal Adviser,
Brunei.

June 7th, 1950.

Saving.

59709/23/49

2⁹

From the Secretary of State for the Colonies.
HIGH COMMISSIONER FOR

BRUNEI

To the ~~Officer Administering the Government of~~

Date 24 November, 1949

No. 88 Saving.

Your savingram No.82 of 14th September, 1949.

National Registration Enactment, 1949. (No.3
of 1949)

I have no observations.

Secer

Draft

~~TELEGRAM~~ *

* SAVINGRAM

* The word Priority may be entered here, if necessary.

10
File No. 2

59909/23/49

C.O.

To:-- High Commissioner For Brunei

Repeated to:--

24 NOV 1949

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Sent:

C. D.	hours.
2.	18 NOV
D.	18 194

Mr. Hellier 17/11

Mr. Whitlogg 17/11

Mr. alm

Sir

Priority:--

Nil.

Reply urgently required.

Important.

Immediate.

Most Immediate.

For transmission:--

In Clear

Code

Cypher

No. 88

Restricted.

Confidential.

Secret.

Top Secret
and Personal.

Permt. U.S. of S.

Parly. U.S. of S.

S. of S.

(1) Your savingram no. 82 of

14th. Sept. 1949.

National Registration Enactment, 1949.
(no. 3 of 1949)

I have no observations.

Distribution:--

Further action:--

PAS/LCH.

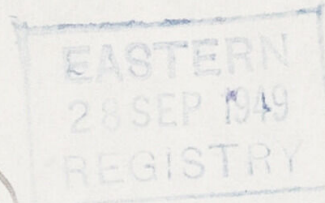
Ref: 46/HCO/14.

SAVING.

From the High Commissioner for Brunei.
To the Secretary of State for the Colonies.

Date ^{14th} September...1949.

No. ⁸² Saving.



I enclose 10 copies of Brunei
Enactment No. 3 of 1949 (National
Registration).

7.14/9/49.

STATE OF BRUNEI

ENACTMENT NO. 3 OF 1949

An Enactment to provide for the registration of all persons in the State.

E. E. F. PRETTY,
British Resident,
Brunei.

10th June 1949

IT IS HEREBY ENACTED by His Highness the Sultan in Council as follows:—

1.—This Enactment may be cited as the National Registration Enactment, 1949, and shall come into operation on the 10th day of June 1949.

Short title
and com-
mencement.

2.—In this Enactment unless the context otherwise requires—

Interpretation.

“Commissioner” means the person appointed by the Sultan in Council for the purpose of carrying out the provisions of this Enactment;

“finger print” includes thumb print;

“police officer” means any member of the Brunei Police Force;

“Registration Authority” means a person appointed by the Commissioner to be a Registration Authority for the purpose of carrying out the provisions of this Enactment.

3.—(1) Subject to the provisions of section 21, every person within the State shall be registered under and in accordance with the provisions of this Enactment.

Registration

(2) The Commissioner shall, for the purpose of carrying out the provisions of this Enactment, divide the State into such registration areas as he deems fit and shall by order prescribe the time at or within which and the place at which persons or any specified class or description of persons within a registration area, or within any specified part thereof, shall register.

4.—(1) A person required by order made under section 3 to register shall at or within the time specified by the order attend at the place specified in the order and—

Method of
registration.

- (a) submit to all such steps as may be reasonably necessary for the taking of photographs of himself in accordance with any directions given by the Registration Authority or deliver to the Registration Authority two ordinary passport size unmounted duplicate photographs of himself to the satisfaction of the Registration Authority;
- (b) submit to all such steps as may be reasonably necessary for the taking and recording of his finger prints;
- (c) give the following particulars to the Registration Authority, namely—
 - (i) his name, or, if he is known by different names, each of such names, in full, and the name of his father;
 - (ii) the full address of his usual place of residence, and, if such place is not within the State, the full address of any temporary place of residence within the State;
 - (iii) his race, and where applicable, his dialect;
 - (iv) his place of birth;
 - (v) his age and sex;
 - (vi) his occupation, trade or employment;
 - (vii) the length of his residence in the State; and
 - (viii) such other particulars as the Registration Authority may in any particular case consider necessary for purposes of identification.

(2) Any person, required by order made under section 3 or by section 6 or by subsection (3) of section 21 to register, who fails for any reason to comply with the provisions of such order or of section 6 or of subsection (3) of section 21 shall, whether he has been convicted of an offence under this Enactment or not, at or within such time

as a Registration Authority may direct attend at such place as such direction may specify and comply with the provisions of paragraphs (a), (b) and (c) of subsection (1).

5.—(1) A person complying with the provisions of section 4 shall be issued by the Registration Authority with an identity card containing a copy of such person's photograph, an impression of his finger prints and such other particulars as may be necessary for his identification.

Identity Cards.

(2) The Resident may by order prescribe the form of identity card, including the colour thereof, to be issued in any specified area or areas or to any specified class or description of persons.

6.—Subject to the provisions of section 21—

Registration of persons entering the State or a registration area.

(a) any person entering the State shall, unless already registered under and in accordance with the provisions of this Enactment, within fourteen days of his arrival in the State register with the Registration Authority nearest to his point of entry or to his place of residence and the provisions of paragraphs (a), (b) and (c) of subsection (1) of section 4 and of section 5 shall apply to such person accordingly;

(b) any person who changes his place of residence and takes up residence in an area in which an order has been made under section 3 and the time specified in the order has expired shall, unless already registered under and in accordance with the provisions of this Enactment or unless such order would not have applied to him if he had been resident in that area at the time such order was made, within fourteen days of taking up his residence as aforesaid register with the Registration Authority nearest his place of residence in that area and the provisions of paragraphs (a), (b) and (c) of subsection (1) of section 4 and of section 5 shall apply to such person accordingly.

7.—(1) If any person, registered under and in accordance with the provisions of this Enactment is in any registration area at a time when persons in that area are required by order made under section 3 to register, such person shall, if such order applies to him, attend at or within the time and

Persons to be registered only once.

No (2)!

at the place specified in the order and shall produce to the Registration Authority his identity card, but shall not be required to and shall not register with such Registration Authority.

Responsibility
for custody of
identity card.

8.—The person to whom an identity card has been issued shall subject to the provisions of this Enactment be responsible for the custody thereof.

Production of
identity card.

9.—(1) Any Registration Authority, District Officer or police officer or any other officer of the Government authorized in writing in that behalf by the Commissioner, may at any time require any person, not being a person exempted under paragraph (d), (e) or (f) of subsection (1) of section 21, to produce his identity card for inspection, and, if such person refuses or fails to produce such card on demand or within such reasonable time as such Authority or officer may allow, he shall be guilty of an offence against this Enactment.

(2) Without prejudice to the provisions of section 19, for purposes of identification, any such Authority or officer may at any time take the finger prints of any person required or apparently required to be registered under this Enactment and any person whose finger prints are required under this section shall submit to all such steps as may be reasonably necessary for the taking thereof.

Loss of
identity card
to be
notified.

10.—Where an identity card is lost, destroyed or defaced the person to whom the card relates shall forthwith report the fact to the nearest Registration Authority, District Officer or to the nearest police station. A duplicate identity card may be issued in place of one lost, destroyed or defaced on such condition or conditions as may be prescribed by the Sultan in Council.

Finder of lost
identity card
to deliver it
to the proper
authority.

11.—Any person who finds a lost identity card shall forthwith deliver it to the nearest Registration Authority, District Officer or to the nearest police station.

Return of
identity card
on death of
holder.

12.—Upon the death of a person to whom an identity card was issued, the person in possession of his identity card shall deliver it to the nearest Registration Authority, District Officer or to the nearest police station within fourteen days after the date of the death.

Surrender of
identity card
on leaving
the State.

13.—(1) Any person registered under this Enactment, intending to leave the State either temporarily or permanently, shall before his departure from the State report his intended

departure and the date and place thereof to a Registration Authority and shall surrender his identity card immediately before his departure from the State to such person as the Registration Authority may direct.

(2) Any such person, on returning to the State, shall, within fourteen days of his return to the State, report to the Registration Authority nearest to his point of entry or to his place of residence and, if necessary for the purpose of identification in order that his identity card may be returned to him, shall submit to all such steps as may be reasonably necessary for taking his finger prints.

(3) The Sultan in Council may by order exempt from the provisions of this section any person or any class or description of persons intending to leave the State temporarily.

14.—A person registered under and in accordance with the provisions of this Enactment who changes his name or makes any change in his place of residence, or a person who has in his possession an identity card containing any particulars which are to his knowledge incorrect, shall forthwith report the fact to the nearest Registration Authority, District Officer or to the nearest police station.

Correction of particulars on identity card.

15.—(1) Any person who—

Offences and penalties.

- (a) being a person liable to registration under this Enactment, fails to register at or within the time prescribed by or in pursuance of this Enactment; or
- (b) in giving the particulars required under section 4 makes any statement or gives any information which is false in any material particular, and which he either knows or believes to be false or does not believe to be true; or
- (c) except by lawful authority, makes any mark or entry upon, or erases, cancels or alters any mark or entry contained in, or otherwise defaces, or destroys, an identity card; or
- (d) is in unlawful possession of or makes use of an identity card belonging to any other person; or

- (e) obtains or has possession of more than one identity card, unless he can show that he obtained or had possession of such identity cards innocently; or
- (f) fails to comply with the provisions of section 10, 11, 12, 13 or 14; or
- (g) save with the permission of the Commissioner, sends or takes out of the State an identity card; or
- (h) being a parent or guardian of a person under the age of sixteen years, conduces to, by neglect or otherwise the commission of an offence against this Enactment by such person; or
- (i) unlawfully issues an identity card; or
- (j) save in the public interest and with the permission of the Commissioner or for the purposes of criminal proceedings, publishes or communicates to any person any information contained in any book, register or record made under or for the purposes of carrying out the provisions of this Enactment; or
- (k) aids or abets the commission of any offence against this Enactment;

shall be guilty of an offence against this Enactment.

(2) Any person guilty of an offence against this Enactment shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding five hundred dollars or to both such imprisonment and fine.

Arrest.

16.—When any person reasonably suspected of the commission of an offence against this Enactment does not, on the demand of a police officer, give his name and residence or gives a name or residence which such officer has reason to believe to be false or gives as his residence a place not within the State, he may be arrested without warrant by such officer.

Report on
finger prints
to be
evidence.

17.—Any document purporting to be a report under the hand of the Registrar of Criminals as defined by or appointed under any law for the time being in force in the State of

Brunei relating to the registration of criminals, upon any finger prints duly submitted to him for examination and report, shall be admissible in evidence in any trial in regard to an offence against this Enactment unless the Court shall require such Registrar to be called as a witness.

18.—Any document purporting to be a statement as to the contents of any book, register or record kept for the purposes of carrying out the provisions of this Enactment, under the hand of the Commissioner, or under the hand of the Registration Authority having custody of such book, register or record, shall be admissible in evidence in proof of the contents of such book, register or record, unless the Court shall require such book, register or record to be produced.

Proof of records.

19.—No entry in any book, register or record made under or for the purpose of carrying out the provisions of this Enactment shall, as against the person to whom the entry refers, and no identity card shall, as against the lawful holder thereof, be admissible in evidence in any criminal or civil proceeding, save and except in a prosecution for an offence against this Enactment.

Identity cards and records not admissible.

20.—Nothing in this Enactment shall be deemed to relieve any person of any obligation under any other written law to be in possession of a passport or any other travel document whatsoever.

Obligation to be in possession of travel documents.

21.—(1) None of the following persons shall be required to register under this Enactment—

Exemption.

- (a) any police officer; or
- (b) any member of His Majesty's armed forces; or
- (c) any person in possession of a passport or other travel document, or of any official document whether issued within or without the State which the Commissioner has by order directed to be deemed for the purpose of this section to be a travel document, who does not intend to remain and does not remain in the State for a period exceeding three months; or
- (d) such aged or infirm persons as the Commissioner may exempt; or
- (e) children under the age of fourteen years; or

- (f) such persons as the Sultan in Council may by order exempt;

Provided that the burden of proving that a person is exempted from liability to register under this Enactment shall lie on the person claiming such exemption.

(2) The official identity card or other official document of identity issued to a police officer or a member of His Majesty's armed forces, and in respect of any person exempted under paragraph (c) of subsection (1) his passport or other travel document, shall for the purposes of section 9 be deemed to be an identity card.

(3) Any person who ceases to have the status and qualifications specified in subsection (1), that is to say, ceases to be a police officer or a member of His Majesty's armed forces or being a person referred to in paragraph (c) of subsection (1) remains in the State for a period exceeding three months or being a child attains the age of fourteen years or any person who ceases to be exempted by the Sultan in Council or the Commissioner, as the case may be, if in a registration area at a time when persons in that area are required by order made under section 3 to register and if such order applies to him, shall at or within the time specified in the order attend at the place specified in the order, or if the time specified in the order has expired shall within one month of ceasing to have such status and qualifications or ceasing to be exempted as aforesaid report to the nearest Registration Authority, and the provisions of paragraphs (a), (b) and (c) of subsection (1) of section 4 and of section 5 shall apply to such person accordingly.

Rules.

22.—The Sultan in Council may make rules for the purpose of carrying out the provisions of this Enactment, and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the form of register to be kept by Registration Authorities;
- (b) the establishment of a Central Registry;
- (c) fees to be paid by persons or any specified class or description of persons whose photographs are taken, for the purposes of section 4, by or under the direction of a Registration Authority, and the conditions under which a Registration Authority may waive the collection of such fees;

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END

- (d) the conditions on which a duplicate identity card may be issued under section 10 and the fee, if any, to be paid in respect thereof.

R. and
Orders to be
published.

23.—All rules and orders made under this Enactment shall be published in such manner as the Resident considers proper or expedient for ensuring due publicity.

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Enactments. National Registration Enactment No 3 of 1949. 1949.
MS Records of the British Colonial Office CO 943/1/14. The National
Archives (Kew, United Kingdom). State Papers Online Colonial,
[link.gale.com/apps/doc/DUXWXT289005137/SPOC?](https://link.gale.com/apps/doc/DUXWXT289005137/SPOC?u=omni&sid=bookmark-SPOC&pg=1)
[u=omni&sid=bookmark-SPOC&pg=1](https://link.gale.com/apps/doc/DUXWXT289005137/SPOC?u=omni&sid=bookmark-SPOC&pg=1). Accessed 20 Dec. 2024.